



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 10 2014

Todd Long, Treasurer
Long, William Todd (f/k/a Todd Long for U.S. Congress)
339 Carolina Ave.
Suite 210
Winter Park, FL 32789-3150

RE: MUR 6638
Long, William Todd

Dear Mr. Long:

On September 11, 2012, the Federal Election Commission ("Commission") notified Long, William Todd ("Committee") — then known as Todd Long for U.S. Congress and Anthony Calabro in his official capacity as treasurer — of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to the Committee at that time.

Upon further review of the allegations contained in the complaint, and information provided by the Committee, the Commission voted to dismiss this matter on February 4, 2014. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Margaret R. Howell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Blumberg", with a long horizontal line extending to the right.

Peter Blumberg
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Long, William Todd (f/k/a Todd Long for US Congress) MUR 6638
and Todd Long in his official capacity as treasurer

This matter was generated by a complaint filed with the Federal Election Commission by Scott Randolph alleging that, in 2009, William Todd Long entered into a “personal obligation to purchase a significant number of copies” of a book that he “co-published” with a publishing firm called Creation House. Compl. at 1 (Aug. 31, 2012). It further alleges that Long and his campaign committees used \$44,499.99 in campaign funds to purchase copies of the book in 2009 and 2010 in fulfillment of that personal obligation, and an additional \$6,510 to mail out copies of the book in 2012. *Id.* at 1-2. The Complaint alleges that Long and his campaign committees violated the Federal Election Campaign Act of 1971, as amended (the “Act”), and the Commission’s “personal use” regulation by using campaign funds to fulfill a personal obligation of the candidate. *Id.* at 3. For reasons set forth below, the Commission concludes that further enforcement action would not be an efficient use of the Commission’s resources and exercises its prosecutorial discretion to dismiss this matter.

Long ran for Congress in Florida’s 8th Congressional District in 2008 and 2010, and in the 9th Congressional District in 2012. Long’s principal campaign committee for the 2012 election, which filed a Statement of Organization on March 26, 2012, was called Todd Long for U.S. Congress until November 27, 2012, when an amended Statement of Organization was filed changing the name to “Long, William Todd” and naming Todd Long as treasurer (collectively, the “2012 Committee”).

Complainant alleges that, in 2009, Long entered into a co-publishing agreement with Creation House to publish a book entitled *The Conservative Comeback: How To Win The Battle*

1 *For The Soul Of America. Id.* The Complaint includes a copy of the Creation House 2010
2 Catalog, which identifies Long as the author of a book by that same name, at a retail price of
3 \$12.99. *Id.*, Ex. 1 at 6. The Complaint states that Long, the host of a radio talk show called *The*
4 *Conservative Comeback* that aired in Central Florida on 540 WFLA AM, was attempting to
5 “bolster his career as a radio talk show host by entering into a contract with a vanity publisher to
6 co-publish a book with the same name as his radio show.” Compl. at 1, 3.

7 The Complaint quotes the terms found on Creation House’s website and alleges that,
8 under the terms of Long’s agreement with Creation House, Long had a “personal obligation to
9 purchase a significant number of copies” of the book and that Creation House would agree to
10 “pay [the author] a royalty for each book [it] sell[s].” *Id.* at 1. The Complaint contends that the
11 respondents violated the “personal use” prohibitions of the Act and Commission regulations
12 when the campaign assumed Long’s personal obligation by disbursing \$44,499.99 to purchase
13 copies of his book during the 2010 election cycle, and by using \$6,510 in campaign funds in
14 2012 for mailing expenses to mail copies of the books. *Id.* at 2-3.

15 In addition to Long’s “personal obligation” to purchase books based on the alleged
16 agreement, the Complaint identifies other factors that it contends indicate that Long’s debt was
17 personal and incurred irrespective of his 2010 and 2012 campaigns. For instance, an affidavit
18 that Long executed on April 6, 2011, as part of his divorce proceeding lists a \$2,720 debt to
19 “Strang Communications” among Long’s personal liabilities. *Id.*, Ex. 2 at 9.

20 In addition to the disbursements to Strang Communications, Long’s campaign reported
21 \$1,533 in other book-related disbursements, including gas for book delivery and for postage.
22 The Complaint states that Long “continue[d] to use campaign funds to distribute copies” of the
23 book in 2012 based on disbursements totaling \$6,510 for postage and mailing. The chart below

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1 lists book-related disbursements disclosed by Long's campaign committees from 2009 through
2 2012 (amounts with asterisk not identified in Complaint);

3 Book-related Disbursements Disclosed by 2010 and 2012 Committees

| Date | Amount | Payee | Purpose |
|----------|-------------|-----------------------|-----------------------|
| 12/04/09 | \$10,833.33 | Strang Communications | Books |
| 2/04/10 | \$10,833.33 | Strang Communications | books/printing |
| 2/22/10 | \$10,833.33 | Strang Communications | Books |
| 5/28/10 | \$128.00* | Andrew Monk | Gas for book delivery |
| 6/01/10 | \$4,000.00 | Strang Communications | Printing |
| 7/19/10 | \$4,000.00 | Strang Communications | Printing |
| 8/04/10 | \$4,000.00 | Strang Communications | Printing |
| 8/19/10 | \$731.00* | US Post Office | postage for books |
| 8/19/10 | \$674.00* | US Postal Service | mail books |
| 7/13/12 | \$1,240.00 | Postmaster | stamps for books |
| 7/17/12 | \$2,470.00 | Postmaster | stamps for books |
| 7/18/12 | \$2,800.00 | Iamsco Mail | mailing books |
| Total | \$52,542.99 | | |

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5 The 2012 Committee asserts that "Long bought some books . . . from his own personal
6 funds which he paid back with his personal funds." 2012 Comm. Resp. at 1 (Oct. 24, 2012).

7 The 2012 Committee states that "[s]ome books were bought and distributed by the campaign,
8 since it was a book of solutions to our national challenges and we believed much more effective
9 than palm cards." *Id.* The 2012 Committee denies that the campaign ever paid "any personal
10 debt or obligations" of Long. *Id.*

11 In his response, Long acknowledges that he entered into a book agreement with Creation
12 House in 2009. Long Resp. at 1 (Sept. 26, 2012). He does not dispute the Complaint's
13 description of the terms of the co-publishing agreement; rather, he asserts that he purchased
14 copies of his book with his own money. *Id.* Long further notes that "[w]hen [he] decided to run
15 for Congress during the 2010 election, the campaign purchased many more books . . . which
16 were distributed to over 20,000 voters in the district, some mailed and some hand delivered." *Id.*

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1 Long asserts that “at no time did [he] profit from any of these books we purchased for the
2 campaign and at no time did [he] use campaign funds for any personal debts.” *Id.*

3 Long states that, in the 2012 election, “the campaign once again distributed books” that
4 he “had purchased personally in the primary for which costs were incurred.”¹ *Id.* Long concedes
5 that he “did owe Strang Communications a very small amount of money for books [he] had
6 personally purchased from them, (which [the complaint] referred to . . . [in the] financial
7 affidavit in the divorce proceeding),” but claims that he “believe[s] it was just delivery costs,”
8 which he has “since repaid . . . with [his] own funds.” *Id.*

9 Long asserts that he entered into the publishing agreement in 2009, at which time he
10 purchased some copies of his book under the agreement. The Committee asserts campaign funds
11 were not used to pay for any personal debts incurred. Long further asserts that the campaign
12 purchased and distributed over 20,000 copies for campaign-related purposes and he did not
13 personally profit from the book purchases. Based on these representations, it appears that the
14 campaign book purchases in 2010 may have occurred after Long’s contractual obligations were
15 met,² but even if the Committee assumed Long’s personal obligation, it may have been a
16 permissible use of campaign funds. Moreover, the large amount Long contributed or loaned to
17 his campaign at the time that the Committee purchased the books relative to the size of the
18 expenditure for books circumstantially rebuts suggestions that Long needed the campaign to
19 fulfill any personal obligation that he may have had to Strang Communications.

¹ The primary election occurred on August 14, 2012. As indicated in the above chart, the 2012 Committee disclosed three book-related disbursements in July 2012.

² The Respondents did not provide a copy of the contract between Long and his publisher that could verify this inference.

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1 Given the circumstances in this matter, the Commission concludes that further
2 enforcement action would not be an efficient use of the Commission's resources and dismisses
3 the allegations that Long, William Todd (f/k/a Todd Long for U.S. Congress) violated 2 U.S.C.
4 § 439a(b) and 11 C.F.R. § 113.1(g) by converting campaign funds to personal use.³

³ *Heckler v. Chaney*, 470 U.S. 821 (1985).

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